

the premises intended to be sold, or some of them, are situated, if there be one, if not, then in the nearest paper in one of the adjoining counties.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 2, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCVII.

An Act to amend an act, entitled "An Act prescribing rules and regulations for the execution of the trusts arising under the Act of Congress, entitled An Act for the relief of citizens of towns upon lands of the United States, under certain circumstances," approved March 3, 1858.

- SECTION 1. Amendment to sec. 5, providing for adjustment of rights between adverse claimants to land.
2. Act to apply to cases pending in Courts of the State, and to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

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Amendment to section 5, providing for adjustment of rights between adverse claimants to land

SECTION 1. Sec. 5, of an act of the Legislative Assembly of the Territory of Minnesota, entitled "An Act prescribing rules and regulations for the execution of the trusts arising under the Act of Congress, entitled An Act for the relief of citizens of towns upon lands of the United States under certain circumstances," is amended so as to read as follows:

SEC. 5. In case there shall be adverse claimants to such lands, or to any part, parcel or share thereof, and the controversy shall not be settled by agreement in writing, between the parties thereto, such controversy may be determined by voluntary submission thereof in writing, by the parties to

reference or arbitration, and by the written award or determination of the referees or arbitrators. In case any such controversy shall not be so settled or determined within three months from the time of the entry of the land, either of the claimants may bring a civil action against the adverse claimant or claimants, in the District Court of the judicial district, and in the county in which the lands shall be situated; *Provided, always*, That no Judge of the District Court of this State, who has been or is an adverse claimant, directly or indirectly, of any portion of the lands embraced within such town, or who is a party to any action brought to determine the right to a conveyance of any portion of the lands within such town, shall entertain, or hear, or determine any proceeding, interlocutory or final, in any action brought to determine such adverse claims to any portion of such lands, by or between any parties whatsoever, but shall order such proceeding or trial to be taken and had before the Judge of another judicial district, whose duty upon such order it shall be to appoint a term in the county and district where such proceedings originated, for such purpose; *Provided, also*, That the laws applicable to a change of venue shall apply to actions brought under this Chapter; *And provided also*, That nothing in this Act shall prevent the District Judge of the district in which any such lands are situated, from executing any and all conveyances of such lands, pursuant to the determination of such action. The lots, parcels or shares, and the interest or estate therein, which a party to such action as is herein provided for, claims to be entitled to, shall be stated in the complaint therein, and the fact shall be alleged that the defendant claims some interest or estate in the said lands, or some portion thereof. The defendant shall answer the complaint within twenty days after the service of the summons and complaint upon him, and he may in such answer, disclaim any interest or estate in the lands described in the complaint, or any portion thereof; and in such cases the answer shall determine the action in favor of the plaintiff to the extent of such disclaimer. In case any defendant in such action shall deny the plaintiff's right or claim in the lands, or in any part, parcel or share of the lands described in the complaint, he or she shall specify his or her right, interest or estate which he or she claims therein, or the answer, to the extent of such denial, may be stricken out on motion of the plaintiff, and judgment rendered in his favor. The pleadings in such actions shall be verified by affidavit, in the same manner and to the same extent as in other civil actions, and they shall be construed with reference to the substance thereof, disregarding all technical or formal defects, not affecting the substance or merits of the matters in controversy therein.

Sec. 2. This Act shall apply to all actions now pending

Act to apply to
cases pending in
courts of the state
and to take effect
on passage

in the Courts of this State, and shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 10, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.